

SENATE BILL 1978
By Crutchfield

AN ACT to amend Tennessee Code Annotated, Title 50, Chapter 2, relative to wage regulations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 50-2-103(h), is amended by adding the language "The commissioner or an agency member appointed by the commissioner may, upon thirty (30) days' notice and an opportunity for a hearing to the employer, assess the civil penalty." after the word "applicable" and the punctuation (.) in the fifth sentence, so that, as amended, Tennessee Code Annotated, Section 50-2-103(h) shall read as follows:

A violation of this section is a Class B misdemeanor, punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500). Further, every employer, partnership or corporation willfully violating any provision contained in subsections (a)-(g) is subject to a civil penalty of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) at the discretion of the commissioner, or the commissioner's designated representative. Each and every infraction constitutes a separate and distinct offense. If the commissioner or the commissioner's designated representative determines that the violation was unintentional, there shall be a warning, in lieu of a penalty, on the first offense. On

second or subsequent violations, the civil penalty is applicable. The commissioner or an agency member appointed by the commissioner may, upon thirty (30) days' notice and an opportunity for a hearing to the employer, assess the civil penalty. It shall be at the sole discretion of the commissioner to elect to proceed either civilly or criminally upon any violation of this part; however, the employer shall not be charged both civilly and criminally for the same violation.

SECTION 2. Tennessee Code Annotated, Section 50-2-104, is amended by adding the language "The commissioner or an agency member appointed by the commissioner may, upon thirty (30) days' notice and an opportunity for a hearing to the employer, assess the civil penalty." after the word "applicable" and the punctuation (.) in the fourth sentence, so that, as amended Tennessee Code Annotated, Section 50-2-104 shall read as follows:

Any employer who misrepresents to any employee the amount of wages which such employee is to receive on entering into a new contract of employment commits a Class C misdemeanor. Further, any employer who misrepresents to any employee the amount of wages which such employee is to receive on entering into a new contract of employment shall be subject to a civil penalty of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) at the discretion of the commissioner, or the commissioner's designated representative. If the commissioner, or the commissioner's designated representative determines that the violation was unintentional, there shall be a warning, in lieu of a penalty, on the first offense. On second or subsequent violations, the civil penalty is applicable. The commissioner or an agency member appointed by the commissioner may, upon thirty (30) days' notice and an opportunity for a hearing to the employer, assess the civil penalty. It shall be at the sole discretion of the commissioner to elect to proceed either civilly or criminally upon any violation of this part, however, the employer shall not be charged both civilly and criminally for the same violation.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.